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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,552	08/12/2005	Takashi Imaeda	265122US90PCT	8489
22850	7590	08/10/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER	
			LODHI, ANDALIB FT	
			ART UNIT	PAPER NUMBER
			2169	
			NOTIFICATION DATE	DELIVERY MODE
			08/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/522,552

Applicant(s)

IMAEDA ET AL.

Examiner

Andalib F. Lodhi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 05/09/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Information Disclosure Statement

1. As required by M.P.E.P. 609(C), the applicant's submissions of the Information Disclosure Statements dated May 9th, 2007 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by M.P.E.P 609 C (2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

Response to Amendment

2. This Office Action is in response to applicant's communication filed May 22, 2007. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.

3. In response to the last Office Action, claims 1-10 and 13-22 are presently active. Claims 11 and 12 have been canceled. Claims 7-10 and 13 are amended. Claims 14-22 have been newly added. As a result, claims 1-10 and 13-22 are now pending in this application.

4. Rejection of claims 11 and 12 under 35 U.S.C. 112, 2nd Paragraph has been withdrawn.

Response to Arguments

5. Applicant's arguments with respect to claim 1-10 and 13-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 4-6, 7 and 17-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 4-6, 7 and 17-19 are directed to an apparatus comprising software per se. Software per se is not one of the four categories of invention. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and thus, is not a composition of matter. Therefore, claims 4-6, 7 and 17-19 are non-statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 7 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 5, 7 and 17-19 are vague and indefinite because the steps in the body of the claim recite the limitation of "means for..." which has been reasonably construed as the attempt by Applicant to invoke 35 U.S.C. 112, sixth paragraph. However, the metes and bounds of the claim have not been specifically defined for the limitation of "means for..." in the specification. The instant disclosure does not defined the structures necessary for each "means for 35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language "shall be construed to cover the corresponding structure...described in the specification and equivalents thereof." "If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." In re Donaldson Co., 16 F.3d 1189, 1195, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994) (in banc). (See MPEP 2181 [R-2]).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 6, 8, 10 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Subramaniam et al. (Patent no.: 6081900).

Regarding claim 1, Subramaniam et al. teach:

A database access control method for performing access control on a database in response to a request from a user apparatus through cooperation between a database access control apparatus and a proxy process server apparatus (see e.g. Abstract), wherein:

the database access control apparatus sends an address of a usable proxy process server apparatus to the user apparatus in response to the request from the user apparatus (see e.g. col.3 lines 19-33, col.4 lines 45-50 and col.5 lines 38-49, **note that in the secure network servers (proxy server within the border server) and clients are connected by IP link**);

the user apparatus connects to the proxy process server apparatus of the address to make a database access request (see e.g. col. 4, lines 58-64, **note that user makes a database access request**);

the proxy process server apparatus makes a database process request to the database access control apparatus according to the database access request from the user apparatus (see e.g. col.6 lines 42-45, **note that makes a database process request**);

the database access control apparatus performs a process on the database in response to the database process request from the proxy process server apparatus (see e.g. col. 9 lines 44-56 and col.10 lines 5-35, **note that proxy server corresponds to transformer have caching capability to perform the process**), and sends a process result to the proxy process sever apparatus (see e.g. col. 10 lines 36-40, **note that sending request to the proxy server**);

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the proxy process server apparatus performs an additional process on the process result sent from the database access control apparatus (see e.g. col. 10 lines 20-66 and col. 11 lines 1-13, **note that performs an additional process**), and sends an additional process result to the user apparatus (see e.g. col. 11 lines 14-21, **note that sends the result for additional process to the client**)

For claim 3, Subramaniam et al. teach:

the database access control apparatus determines whether the user apparatus is in a state of being connected to the proxy process server apparatus in addition to performing determination of the access key (see e.g. col. 8 lines 40-50), and performs the access to the data in the database only if the user apparatus is in the state of being connected to the proxy process server apparatus (see e.g. col. 8 lines 50-53).

For claim 4, Subramaniam et al. teach:

A database access control apparatus for performing access control on a database in response to a request from a user apparatus through cooperation with a proxy process server apparatus, comprising:

means for instructing the user apparatus to connect to the proxy process server apparatus by sending an address of a usable proxy process server apparatus to the user apparatus in response to a request from the user apparatus (see e.g. col. 3 lines 19-33, col. 4 lines 45-50 and col. 5 lines 38-49, **note that in the secure network servers and clients are connected by IP link**)

means for performing a process on the database in response to a database process request from the proxy process server apparatus (see e.g. col. 10 lines 5-35, **note that caching perform the process**), and sending a process result to the proxy process sever apparatus (see e.g. col. 10 lines 36-40, **note that sending request to the proxy server**).

For claim 6, Subramaniam et al. teach:

the database access control apparatus determines whether the user apparatus is in a state of being connected to the proxy process server apparatus in addition to performing determination of the access key (see e.g. col. 8 lines 40-50), and performs the access to the data in the database only if the user apparatus is in the state of being connected to the proxy

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process server apparatus (see e.g. col. 8 lines 50-53).

For claim 8, Subramaniam et al. teach:

A computer readable storage medium encoded with a program for causing a computer to execute a database access control process for performing access control on a database in response to a request from a user apparatus through cooperation with a proxy process server apparatus, the program causing the computer to execute:

a step for instructing the user apparatus to connect to the proxy process server apparatus by sending an address of a usable proxy process server apparatus to the user apparatus in response to a request from the user apparatus (see e.g. col. 3 lines 19-33, col. 4 lines 45-50 and col. 5 lines 38-49, **note that in the secure network servers and clients are connected by IP link**)

a step for performing a process on the database in response to a database process request from the proxy process server apparatus (see e.g. col. 10 lines 5-35, **note that caching perform the process**), and sending a process result to the proxy process sever apparatus (see e.g. col. 10 lines 36-40, **note that sending request to the proxy server**).

For claim 10, Subramaniam et al. teach:

determining whether the user apparatus is in a state of being connected to the proxy process server apparatus in addition to performing determination of the access key (see e.g. col. 8 lines 40-50), and performing the access to the data in the database only if the user apparatus is in the state of being connected to the proxy process server apparatus (see e.g. col. 8 lines 50-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Regarding claims 2, 5, 7, 9 and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramaniam et al. (Patent no.: 6081900) in view of Kitano Guthrie et al. (Patent no.: 6606627 B1).

Regarding claim 2, Subramaniam et al.

teaches all of the claimed subject matter as discussed above with respect to claim 1, but fails to disclose

'the access key being generated by the database access control apparatus based on a user ID of the user apparatus'

Guthrie et al. discloses in their invention 'the access key being generated by the database access control apparatus based on a user ID of the user apparatus (see e.g. col. 5 lines 48-60 and , **note that session data including the user ID**)'.

Subramaniam et al. and Guthrie et al. are analogous art because they are from the same field of endeavor of accessing secure data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive an access key and a database access request from the user apparatus as taught by Guthrie et al. in order to reduce the cost of managing application by sharing the resources.

Regarding claim 5, Subramaniam et al.

teaches all of the claimed subject matter as discussed above with respect to claim 4, but fails to disclose

'the access key being generated by the database access control apparatus based on a user ID of the user apparatus'

Guthrie et al. discloses in their invention 'the access key being generated by the database access control apparatus based on a user ID of the user apparatus (see e.g. col. 5 lines 48-60 and , **note that session data including the user ID**)'.

Subramaniam et al. and Guthrie et al. are analogous art because they are from the same field of endeavor of accessing secure data.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive an access key and a database access request from the user apparatus as taught by Guthrie et al. in order to reduce the cost of managing application by sharing the resources.

Regarding claim 7, Subramaniam et al. teach:

A proxy process server apparatus for accessing a database via a database access control apparatus in response to a request from a user apparatus, comprising:

means for receiving an access key and a database access request from the user apparatus (see e.g. col.1 lines 38-46 and col. 11 lines 64-67, **note that this process is performed in SSL handshake protocol, which include exchanging plurality of messages between the client and server and establishing a session ID which is refers here 'access key'**),

stored in the database access control apparatus and having been sent to the user apparatus (see e.g. col. 11 lines 44-67, **note that generate session keys to be used to encrypt and decrypt information transferred through the sockets connection to the client**)

means for sending a database process request and the access key to the database access control apparatus (see e.g. col. 1 lines 38-46, **note that the server sends the client the server's SSL session ID and other information that the client needs to communicate with the server over SSL and also sends secure communication if client's computer is authenticated**);

receiving a process result of the database according to the database process request from the database access control apparatus when an access key same as the access key sent from the proxy process server apparatus exists in the database access control apparatus (see e.g. col. 8 lines 31-46), performing an additional process on the process result (see e.g. col. 10 lines 20-66 and col. 11 lines 1-13, **note that performs an additional process**), and sending an additional process result to the user apparatus (see e.g. col. 11 lines 14-21, **note that sends the result for additional process to the client**).

Subramaniam et al. does not show explicitly 'the access key being generated by the database access control apparatus based on a user ID of the user apparatus'

Guthrie et al. discloses in their invention 'the access key being generated by the database

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access control apparatus based on a user ID of the user apparatus (see e.g. col. 5 lines 48-60 and , **note that session data including the user ID**)’.

Subramaniam et al. and Guthrie et al. are analogous art because they are from the same field of endeavor of accessing secure data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive an access key and a database access request from the user apparatus as taught by Guthrie et al. in order to reduce the cost of managing application by sharing the resources.

Regarding claim 9, Subramaniam et al.

teaches all of the claimed subject matter as discussed above with respect to claim 8, but fails to disclose

‘the access key being generated by the database access control apparatus based on a user ID of the user apparatus’

Guthrie et al. discloses in their invention ‘the access key being generated by the database access control apparatus based on a user ID of the user apparatus (see e.g. col. 5 lines 48-60 and , **note that session data including the user ID**)’.

Subramaniam et al. and Guthrie et al. are analogous art because they are from the same field of endeavor of accessing secure data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive an access key and a database access request from the user apparatus as taught by Guthrie et al. in order to reduce the cost of managing application by sharing the resources.

Regarding claim 13, Subramaniam et al. teach:

A computer readable recording medium embedded with a computer program for causing a computer to perform a proxy process for accessing a database via a database access control apparatus in response to a request from a user apparatus, the program causing the computer to execute:

a step for receiving an access key and a database access request from the user apparatus (see e.g. col.1 lines 38-46 and col. 11 lines 64-67, **note that this process is performed in SSL handshake protocol, which include exchanging plurality of messages between the client and server and establishing a session ID which is refers here ‘access key’**), being stored

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in the database access control apparatus and having been sent to the user apparatus(see e.g. col. 11 lines 44-67, **note that generate session keys to be used to encrypt and decrypt information transferred through the sockets connection to the client**)

a step for sending a database process request and the access key to the database access control apparatus apparatus (see e.g. col. 1 lines 38-46, **note that the server sends the client the server's SSL session ID and other information that the client needs to communicate with the server over SSL and also sends secure communication if client's computer is authenticated**); ; and

a step for receiving a process result of the database according to the database process request from the database access control apparatus when an access key same as the access key sent from the proxy process server apparatus exists in the database access control apparatus (see e.g. col. 8 lines 31-46), performing an additional process on the process result (see e.g. col. 10 lines 20-66 and col. 11 lines 1-13, **note that performs an additional process**), and sending an additional process result to the user apparatus (see e.g. col. 11 lines 14-21, **note that sends the result for additional process to the client**).

Subramaniam et al. does not show explicitly 'the access key being generated by the database access control apparatus based on a user ID of the user apparatus'

Guthrie et al. discloses in their invention 'the access key being generated by the database access control apparatus based on a user ID of the user apparatus (see e.g. col. 5 lines 48-60 and , **note that session data including the user ID**)'.

Subramaniam et al. and Guthrie et al. are analogous art because they are from the same field of endeavor of accessing secure data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive an access key and a database access request from the user apparatus as taught by Guthrie et al. in order to reduce the cost of managing application by sharing the resources.

For claim 14, Subramaniam et al. teach:

the database access control apparatus overwrites or erases the access key stored in the storing part after performing the process on the database in response to the database process request from the proxy server apparatus (see e.g. col. 8 line58-67 and col. 9 lines 1-10).

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For claim 15, Subramaniam et al. teach:

the database access control apparatus overwrites or erases the access key stored in the storing part when the database access control apparatus is accessed by the user apparatus next (see e.g. col. 8 line58-67 and col. 9 lines 1-10).

For claim 16, Subramaniam et al. teach:

the database access control apparatus overwrites or erases the access key stored in the storing part when the database access control apparatus receives a next request from the user apparatus (see e.g. col. 8 line58-67 and col. 9 lines 1-10).

For claim 17, Subramaniam et al. teach:

means for overwriting or erasing the access key stored in the storing part of the database access control apparatus after the database access control apparatus performs the process on the database in response to the database process request from the proxy server apparatus (see e.g. col. 8 line58-67 and col. 9 lines 1-10).

For claim 18, Subramaniam et al. teach:

the database access control apparatus overwrites or erases the access key stored in the storing part when the database access control apparatus is accessed by the user apparatus next (see e.g. col. 8 line58-67 and col. 9 lines 1-10).

For claim 19, Subramaniam et al. teach:

means for overwriting or erasing the access key stored in the storing part when the database access control apparatus receives a next request from the user apparatus (see e.g. col. 8 line58-67 and col. 9 lines 1-10).

For claim 20, Subramaniam et al. teach:

a step for overwriting or erasing the access key stored in the storing part of the database access control apparatus after the database access control apparatus performs the process on the database in response to the database process request from the proxy server apparatus (see e.g. col. 8 line58-67 and col. 9 lines 1-10).

For claim 21, Subramaniam et al. teach:

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a step for overwriting or erasing the access key stored in the storing part when the database access control apparatus is accessed by the user apparatus next (see e.g. col. 8 line58-67 and col. 9 lines 1-10).

For claim 22, Subramaniam et al. teach:

a step for overwriting or erasing the access key stored in the storing part when the database access control apparatus receives a next request from the user apparatus (see e.g. col. 8 line58-67 and col. 9 lines 1-10).

Conclusion

7. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

8. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andalib F. Lodhi whose telephone number is (571) 270-1759. The examiner can normally be reached on Monday-Friday, 7:30am- 5:00pm, EST Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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July 30th, 2007

Andalib Lodhi 

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